

Mr. SANDERS) to the bill H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. Res. 5; which was ordered to lie on the table; as follows:

Section 2004 is amended by striking “(d) DEFINITIONS.—In this section:” and inserting the following:

(d) FEDERAL FUNDS TO SUPPLEMENT, NOT SUPPLANT, NON-FEDERAL FUNDS.—

(1) IN GENERAL.—As a condition of receiving funds under section 2001, a State educational agency or local educational agency shall use Federal funds received under such section only to supplement the funds that would, in the absence of such Federal funds, be made available from State and local sources for the education of students participating in programs assisted under such section, and not to supplant such funds.

(2) COMPLIANCE.—To demonstrate compliance with paragraph (1), a local educational agency shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under section 2001 ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving assistance under this section.

(3) SPECIAL RULE.—No local educational agency shall be required to—

(A) identify that an individual cost or service supported under section 2001 is supplemental; or

(B) provide services under such section through a particular instructional method or in a particular instructional setting in order to demonstrate such agency's compliance with paragraph (1).

(4) PROHIBITION.—Nothing in this section shall be construed to authorize or permit the Secretary to prescribe the specific methodology a local educational agency uses to allocate State and local funds to each school receiving assistance under section 2001.

(e) DEFINITIONS.—In this section:

**SA 1358.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 891 proposed by Mr. SCHUMER (for himself, Mr. WYDEN, Mrs. MURRAY, Mr. BROWN, Mr. PETERS, Mr. CARDIN, Ms. CANTWELL, Ms. STABENOW, Mr. TESTER, Mr. MENENDEZ, Mr. SCHATZ, Mr. CARPER, Mr. LEAHY, and Mr. SANDERS) to the bill H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. Res. 5; which was ordered to lie on the table; as follows:

At the appropriate place in title VII, insert the following:

**SEC. \_\_\_\_\_. SPECTRUM AUCTION.**

(a) DEFINITION.—In this section, the term “net proceeds”, with respect to the use of a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), means the proceeds remaining after subtracting all auction-related expenditures, including—

(1) relocation payments, including accelerated relocation payments;

(2) payments to incumbent licensees for the relinquishment of all or a portion of the spectrum usage rights of those licensees;

(3) costs associated with the reallocation of spectrum, whether on an exclusive or shared use basis;

(4) relocation or sharing costs, including for planning for relocation or sharing; and

(5) bidding credits.

(b) IDENTIFICATION OF SPECTRUM.—The Assistant Secretary of Commerce for Communications and Information shall identify not less than 100 megahertz of electromagnetic spectrum that the Federal Communications Commission can auction for commercial purposes

by July 31, 2024, to generate not less than \$10,000,000,000 in net proceeds.

(c) AUCTION.—

(1) IN GENERAL.—Not later than July 31, 2024, the Federal Communications Commission shall conduct a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) to award licenses in the band or bands of electromagnetic spectrum identified under subsection (b) of this section for commercial purposes.

(2) USE OF PROCEEDS FOR RELOCATION OR SHARING COSTS.—Notwithstanding section 309(j)(8)(D)(i) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(D)(i)), in the case of proceeds attributable to the auction under paragraph (1) of this subsection of any eligible frequencies described in paragraph (2) of section 113(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)), only the portion of the proceeds as is necessary to cover the relocation or sharing costs (as defined in paragraph (3) of such section 113(g)) of Federal entities relocated from those eligible frequencies shall be deposited in the Spectrum Relocation Fund established under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928).

**SA 1359.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 891 proposed by Mr. SCHUMER (for himself, Mr. WYDEN, Mrs. MURRAY, Mr. BROWN, Mr. PETERS, Mr. CARDIN, Ms. CANTWELL, Ms. STABENOW, Mr. TESTER, Mr. MENENDEZ, Mr. SCHATZ, Mr. CARPER, Mr. LEAHY, and Mr. SANDERS) to the bill H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. Res. 5; which was ordered to lie on the table; as follows:

At the appropriate place in title VII, insert the following:

**SEC. \_\_\_\_\_. SPECTRUM AUCTION.**

(a) DEFINITION.—In this section, the term “net proceeds”, with respect to the use of a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), means the proceeds remaining after subtracting all auction-related expenditures, including—

(1) relocation payments, including accelerated relocation payments;

(2) payments to incumbent licensees for the relinquishment of all or a portion of the spectrum usage rights of those licensees;

(3) costs associated with the reallocation of spectrum, whether on an exclusive or shared use basis;

(4) relocation or sharing costs, including for planning for relocation or sharing; and

(5) bidding credits.

(b) IDENTIFICATION OF SPECTRUM.—The Assistant Secretary of Commerce for Communications and Information shall identify not less than 100 megahertz of electromagnetic spectrum that the Federal Communications Commission can auction for commercial purposes by July 31, 2024, to generate not less than \$10,000,000,000 in net proceeds.

(c) AUCTION.—

(1) IN GENERAL.—Not later than July 31, 2024, the Federal Communications Commission shall conduct a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) to award licenses in the band or bands of electromagnetic spectrum identified under subsection (b) for commercial purposes.

(2) USE OF PROCEEDS FOR RELOCATION OR SHARING COSTS.—Notwithstanding section 309(j)(8)(D)(i) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(D)(i)), in the case of

proceeds attributable to the auction under paragraph (1) of this subsection of any eligible frequencies described in paragraph (2) of section 113(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)), only the portion of the proceeds as is necessary to cover the relocation or sharing costs (as defined in paragraph (3) of such section 113(g)) of Federal entities relocated from those eligible frequencies shall be deposited in the Spectrum Relocation Fund established under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928).

(d) BROADBAND INFRASTRUCTURE DEPLOYMENT IN UNSERVED AREAS.—The Federal Communications Commission shall use the net proceeds of the auction conducted under subsection (c)(1) for the deployment of broadband infrastructure to areas in the United States that the Commission has determined lack access to both—

(1) fixed broadband internet access service; and

(2) mobile broadband internet access service.

**SA 1360.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 891 proposed by Mr. SCHUMER (for himself, Mr. WYDEN, Mrs. MURRAY, Mr. BROWN, Mr. PETERS, Mr. CARDIN, Ms. CANTWELL, Ms. STABENOW, Mr. TESTER, Mr. MENENDEZ, Mr. SCHATZ, Mr. CARPER, Mr. LEAHY, and Mr. SANDERS) to the bill H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. Res. 5; which was ordered to lie on the table; as follows:

At the appropriate place in title VII, insert the following:

**SEC. \_\_\_\_\_. SPECTRUM REALLOCATION.**

(a) DEFINITION.—In this section, the term “net proceeds”, with respect to the use of a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), means the proceeds remaining after subtracting all auction-related expenditures, including—

(1) relocation payments, including accelerated relocation payments;

(2) payments to incumbent licensees for the relinquishment of all or a portion of the spectrum usage rights of those licensees;

(3) costs associated with the reallocation of spectrum, whether on an exclusive or shared use basis;

(4) relocation or sharing costs, including for planning for relocation or sharing; and

(5) bidding credits.

(b) IDENTIFICATION OF SPECTRUM.—The Assistant Secretary of Commerce for Communications and Information shall identify not less than 150 megahertz of electromagnetic spectrum that the Federal Communications Commission can reallocate for licensed and unlicensed use in accordance with subsection (c)(1), including sufficient spectrum to generate not less than \$10,000,000,000 in net proceeds through an auction described in subsection (c)(1)(A).

(c) REALLOCATION.—

(1) IN GENERAL.—Not later than July 31, 2024, of the band or bands of electromagnetic spectrum identified under subsection (b), the Federal Communications Commission shall—

(A) conduct a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) to award licenses for commercial use of half of the spectrum; and

(B) make half of the spectrum available for unlicensed use.

(2) USE OF PROCEEDS FOR RELOCATION OR SHARING COSTS.—Notwithstanding section

309(j)(8)(D)(i) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(D)(i)), in the case of proceeds attributable to the auction under paragraph (1)(A) of this subsection of any eligible frequencies described in paragraph (2) of section 113(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)), only the portion of the proceeds as is necessary to cover the relocation or sharing costs (as defined in paragraph (3) of such section 113(g)) of Federal entities relocated from those eligible frequencies shall be deposited in the Spectrum Relocation Fund established under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928).

**SA 1361.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 891 proposed by Mr. SCHUMER (for himself, Mr. WYDEN, Mrs. MURRAY, Mr. BROWN, Mr. PETERS, Mr. CARDIN, Ms. CANTWELL, Ms. STABENOW, Mr. TESTER, Mr. MENENDEZ, Mr. SCHATZ, Mr. CARPER, Mr. LEAHY, and Mr. SANDERS) to the bill H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. Res. 5; which was ordered to lie on the table; as follows:

At the appropriate place in title VII, insert the following:

**SEC. . SPECTRUM REALLOCATION.**

(a) **DEFINITION.**—In this section, the term “net proceeds”, with respect to the use of a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), means the proceeds remaining after subtracting all auction-related expenditures, including—

- (1) relocation payments, including accelerated relocation payments;
- (2) payments to incumbent licensees for the relinquishment of all or a portion of the spectrum usage rights of those licensees;
- (3) costs associated with the reallocation of spectrum, whether on an exclusive or shared use basis;
- (4) relocation or sharing costs, including for planning for relocation or sharing; and
- (5) bidding credits.

(b) **IDENTIFICATION OF SPECTRUM.**—The Assistant Secretary of Commerce for Communications and Information shall identify not less than 150 megahertz of electromagnetic spectrum that the Federal Communications Commission can reallocate for licensed and unlicensed use in accordance with subsection (c)(1), including sufficient spectrum to generate not less than \$10,000,000,000 in net proceeds through an auction described in subsection (c)(1)(A).

(c) **REALLOCATION.**—

(1) **IN GENERAL.**—Not later than July 31, 2024, of the band or bands of electromagnetic spectrum identified under subsection (b), the Federal Communications Commission shall—

(A) use a system of competitive bidding to award licenses for commercial use of half of the spectrum; and

(B) make half of the spectrum available for unlicensed use.

(2) **USE OF PROCEEDS FOR RELOCATION OR SHARING COSTS.**—Notwithstanding section 309(j)(8)(D)(i) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(D)(i)), in the case of proceeds attributable to the auction under paragraph (1)(A) of this subsection of any eligible frequencies described in paragraph (2) of section 113(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)), only the portion of the proceeds as is necessary to cover the relocation or sharing costs (as defined in paragraph (3) of such sec-

tion 113(g)) of Federal entities relocated from those eligible frequencies shall be deposited in the Spectrum Relocation Fund established under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928).

(d) **BROADBAND INFRASTRUCTURE DEPLOYMENT IN UNSERVED AREAS.**—The Federal Communications Commission shall use the net proceeds of the auction conducted under subsection (c)(1)(A) for the deployment of broadband infrastructure to areas in the United States that the Commission has determined lack access to both—

- (1) fixed broadband internet access service; and
- (2) mobile broadband internet access service.

**SA 1362.** Mr. ROMNEY submitted an amendment intended to be proposed to amendment SA 891 proposed by Mr. SCHUMER (for himself, Mr. WYDEN, Mrs. MURRAY, Mr. BROWN, Mr. PETERS, Mr. CARDIN, Ms. CANTWELL, Ms. STABENOW, Mr. TESTER, Mr. MENENDEZ, Mr. SCHATZ, Mr. CARPER, Mr. LEAHY, and Mr. SANDERS) to the bill H.R. 1319, to provide for reconciliation pursuant to title II of S. Con. Res. 5; which was ordered to lie on the table; as follows:

Strike subtitle M of title IX and insert the following:

**Subtitle M—Coronavirus State and Local Fiscal Recovery Funds**

**SEC. 9901. CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS.**

(a) **IN GENERAL.**—Title VI of the Social Security Act (42 U.S.C. 801 et seq.) is amended by adding at the end the following:

**“SEC. 602. CORONAVIRUS STATE FISCAL RECOVERY FUND.**

“(a) **APPROPRIATION.**—In addition to amounts otherwise available, there is appropriated for fiscal year 2021, out of any money in the Treasury not otherwise appropriated—

“(1) \$125,600,000,000, to remain available through December 31, 2024, for making payments under this section to States, territories, and Tribal governments to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID-19); and

“(2) \$50,000,000, to remain available until expended, for the costs of the Secretary for administration of the funds established under this title.

“(b) **AUTHORITY TO MAKE PAYMENTS.**—

“(1) **PAYMENTS TO TERRITORIES.**—

“(A) **IN GENERAL.**—The Secretary shall reserve \$2,571,428,571 of the amount appropriated under subsection (a)(1) to make payments to the territories.

“(B) **ALLOCATION.**—Of the amount reserved under subparagraph (A)—

“(i) 50 percent of such amount shall be allocated by the Secretary equally to each territory; and

“(ii) 50 percent of such amount shall be allocated by the Secretary as an additional amount to each territory in an amount which bears the same proportion to ½ of the total amount reserved under subparagraph (A) as the population of the territory bears to the total population of all such territories.

“(C) **PAYMENT.**—The Secretary shall pay each territory the total of the amounts allocated for the territory under subparagraph (B) in accordance with paragraph (6).

“(2) **PAYMENTS TO TRIBAL GOVERNMENTS.**—

“(A) **IN GENERAL.**—The Secretary shall reserve \$11,428,571,429 of the amount appropriated under subsection (a)(1) to make payments to Tribal governments.

“(B) **ALLOCATION.**—Of the amount reserved under subparagraph (A)—

“(i) \$571,428,571 shall be allocated by the Secretary equally among each of the Tribal governments; and

“(ii) \$10,857,142,857 shall be allocated by the Secretary to the Tribal governments in a manner determined by the Secretary.

“(C) **PAYMENT.**—The Secretary shall pay each Tribal government the total of the amounts allocated for the Tribal government under subparagraph (B) in accordance with paragraph (6).

“(3) **PAYMENTS TO EACH OF THE 50 STATES AND THE DISTRICT OF COLUMBIA.**—

“(A) **IN GENERAL.**—The Secretary shall reserve \$11,600,000,000 of the amount appropriated under subsection (a)(1) to make payments to each of the 50 States and the District of Columbia.

“(B) **ALLOCATIONS.**—Of the amount reserved under subparagraph (A)—

“(i) \$14,571,428,571 of such amount shall be allocated by the Secretary equally among each of the 50 States and the District of Columbia;

“(ii) an amount equal to \$714,285,714 less the amount allocated for the District of Columbia pursuant to section 601(c)(6) shall be allocated by the Secretary as an additional amount to the District of Columbia; and

“(iii) an amount equal to the remainder of the amount reserved under subparagraph (A) after the application of clauses (i) and (ii) of this subparagraph shall be allocated by the Secretary as an additional amount to each of the 50 States and the District of Columbia in an amount which bears the same proportion to such remainder as the average estimated number of seasonally-adjusted unemployed individuals (as measured by the Bureau of Labor Statistics Local Area Unemployment Statistics program) in the State or District of Columbia over the 3-month period ending with December 2020 bears to the average estimated number of seasonally-adjusted unemployed individuals in all of the 50 States and the District of Columbia over the same period.

“(C) **PAYMENT.**—

“(i) **IN GENERAL.**—Subject to clause (ii), the Secretary shall pay each of the 50 States and the District of Columbia, from the amount reserved under subparagraph (A), the total of the amounts allocated for the State and District of Columbia under subparagraph (B) in accordance with paragraph (6).

“(ii) **MINIMUM PAYMENT REQUIREMENT.**—

“(I) **IN GENERAL.**—The sum of—

“(aa) the total amounts allocated for 1 of the 50 States or the District of Columbia under subparagraph (B) (as determined without regard to this clause); and

“(bb) the amounts allocated under section 603 to the State (for distribution by the State to nonentitlement units of local government in the State) and to metropolitan cities and counties in the State; shall not be less than the amount paid to the State or District of Columbia for fiscal year 2020 under section 601.

“(II) **PRO RATA ADJUSTMENT.**—The Secretary shall adjust on a pro rata basis the amount of the allocations for each of the 50 States and the District of Columbia determined under subparagraph (B)(iii) (without regard to this clause) to the extent necessary to comply with the requirement of subclause (I).

“(4) **PRO RATA ADJUSTMENT AUTHORITY.**—The amounts otherwise determined for allocation and payment under paragraphs (1), (2), and (3) may be adjusted by the Secretary on a pro rata basis to the extent necessary to ensure that all available funds are allocated to States, territories, and Tribal governments in accordance with the requirements